

AUG 17 2005

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Tommy Leon Myatt
Serial No.: 09/610,196
Filed: July 5, 2000
For: HAIR STYLING BRUSH WITH
REVERSE AIR FLOW

Group No. 3742
Examiner: Daniel Leon Robinson
Att'y Dkt. No. 5300-001

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION
OF PATENT TERM ADJUSTMENT**

In the Form PTOL-85 mailed herein on May 18, 2005, the patent term adjustment was stated to be 0 days. Applicant requests reconsideration of the patent term adjustment determination.

1. The correct patent term adjustment is 930 days. The basis for this adjustment is 37 C.F.R. § 1.702(a)(2).

2. The relevant dates are as follows:

08/18/2005 TL0222 00000002 09610196
01 FC:1455 200.00 OP

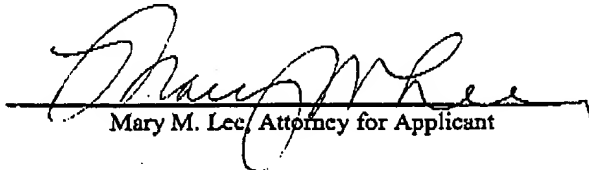
The application was filed on July 5, 2000. A first Office action (a restriction requirement) was mailed on August 2, 2001. As this action was mailed within 14 months of the filing date, there was no delay under 37 C.F.R. § 1.703 (a)(1).

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8(a)

I hereby certify that, on the date shown below, this correspondence is being sent by facsimile transmission to the Central Fax Number 571-273-8300.

Date: August 17, 2005

Signed:


Mary M. Lee, Attorney for Applicant

A notice of abandonment was mailed herein on February 26, 2002 for failure to respond to the restriction requirement. On March 6, 2002, Applicant filed a grantable petition to revive the application. The petition to revive was granted on June 9, 2004.

Applicant's response to the restriction requirement was filed on March 6, 2002, with the petition to revive, as is shown by the records of the Office as reflected by the image file history of the instant application available on the PAIR database. A copy of the petition and related papers is transmitted herewith. However, the PTA History on the PAIR database relating to this application incorrectly shows that Applicant's response to the restriction requirement was filed on June 9, 2004. A copy of the PTA History is submitted herewith.

A non-final Office action replying to Applicant's restriction response was mailed January 19, 2005, nearly 3 years after Applicant's response of March 6, 2002. Accordingly, pursuant to 37 C.F.R. § 1.703(a)(2), there was a PTO delay of 1,050 days.

Applicant responded to the non-final action on February 20, 2005, and a notice of allowance was mailed on May 18, 2005. Accordingly, to date, there have been no further delays by the Office.

Pursuant to 37 C.F.R. § 1.703(a)(2), there correct PTO delay period is 1,050 days.

3. This application is not subject to a terminal disclaimer.

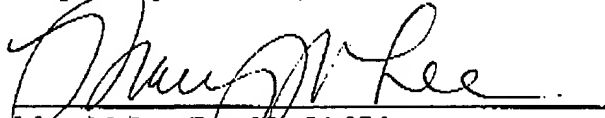
4. Due to the abandonment of the application, the 1,050 day PTO delay period should be reduced by 120 days, as provided in 37 C.F.R. § 1.704(a) and 1.704(c)(3), that is, the number of days beginning on the date of abandonment – February 26, 2002 – and ending on the earlier of the date of mailing of the decision reviving the application – June 9, 2004 – or the date that is 4 months after the date the grantable petition to revive was filed – June 26, 2002.

Accordingly, the correct patent term adjustment in this application is 1,050 days reduced by 120 days, or 930 days.

The \$200 fee required by 37 C.F.R. 1.18(e) is submitted herewith. The Commissioner is hereby authorized to charge any underpayment or to credit any overpayment to Deposit Account 50-0464.

The Commissioner is invited to contact the undersigned if there are questions or comments concerning this request or the application to which it pertains.

Respectfully Submitted,



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